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STATEMENT OF AMNESTY INTERNATIONAL TO THE UNITED NATIONS SPECIAL COMMITTEE ON DECOLONIZATION

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Every year for the last six years, Amnesty International has sought to draw the attention of this Committee to human rights violations committed in East Timor by Indonesian government officials and members of the Indonesian military and security forces. In doing so, it has reiterated its belief that the question of human rights must inform the broader discussion on East Timor taking place within the United Nations. Each year it has outlined its major areas of concern and noted with regret the restrictions on access to the territory imposed by the Indonesian Government which make it difficult to assess accurately the human rights situation. Each year it has deplored the failure of the Indonesian Government to undertake investigations into reports of human rights violations, to trace the whereabouts of people believed to have "disappeared" while in the custody of the Indonesian military or to take steps to prevent its troops and security personnel from torturing East Timorese prisoners. It is with great regret that Amnesty International feels it necessary to raise these same points again today.

Since it last presented its concerns to this Committee in August 1985, Amnesty International has received reports of torture, arbitrary arrest and detention, unfair trials of political prisoners, and severe restrictions throughout the territory on the rights to freedom of expression, opinion, association and movement. Although there have been few reports of political killings or "disappearances" in the first eight months of 1986, the absence of investigations, prosecutions or punishments by the Indonesian authorities for such abuses in the past suggests that these violations are condoned and are not to be treated as serious offences. It also increases the likelihood that they can happen again.

Amnesty International is concerned at the continuing reports of torture inflicted by Indonesian security forces upon suspected supporters of the Frente Revolucionaria de Timor Leste Independente (Fretilin). Such torture can take the form of severe beating, electric shocks, and in the case of women, sexual abuse. The risk of torture appears to be particularly great for people arrested and interrogated by the Indonesian military in district or sub-district military commands outside the capital city of Dili. Although such people can be detained for months at a time in local military commands before release or transfer to Dili, the Indonesian authorities continue to maintain that there are no political prisoners outside the two major prisons in Dili, the Comarca, now known as Balide Prison, and Bekora Prison.

Evidence to the contrary, however, is strong. A recent report, for

example, alleges that a group of men were arrested in the Baucau district of East Timor on 31 January 1986 and were subjected to torture before either being sent to Dili for trial or released. Those sent to Dili, apparently within a week of their arrest, included Luis Maria da Silva, 44, Felix Ximenes, 26, Justino Koolari, 55, and Manuel Gayo, 33, all from Abefala, Baucau; David Ximenes, 15, from Mulia Laga, Baucau; and Cristavao Ximenes, 36, and Carlos (Carlito), 18, from Atelari, Baucau. Their cases are believed to have been tried in Dili District Court in February-March 1986; the outcome is not known.

The report of torture from Baucau is particularly disturbing because it follows a pattern of arrest, interrogation and torture reported from other parts of East Timor. In May 1985, for example, six people from Irifilai, Lautem district, were arrested and taken to the district capital, Los Palos, where they were reportedly tortured. Five months after their arrest, in September 1985, they were reported to be still detained in Los Palos without charge. Their names are Carlos Jose Marques, Armindo Nunes, Amelio Nunes, Augusto dos Santos and Cornelio Amaral. Although Amnesty International called on the Indonesian Government to conduct a full and impartial investigation into the allegations that they were tortured, it is not aware of any such investigation having been carried out.

The failure of the Indonesian Government to take firm measures to prohibit torture by its nationals in East Timor raises serious questions about its commitment to uphold the provisions of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Indonesia has signed but not yet ratified.

Amnesty International remains concerned that over 800 people remain detained on Atauro Island without charge or trial, some of them for over three years, despite announcements by the Indonesian Government in 1985 that all of the non-native inhabitants of the island would be relocated to the main island by the end of that year. The Government has been promising the closure of Atauro as a place of detention since 1982. It maintains that the detainees are "temporarily displaced persons", kept there for their own safety as all come from areas where Fretilin forces are reportedly active. Amnesty International's information suggests, however, that their continued detention results from the Indonesian Government's determination to break up possible networks of support for Fretilin, and that they are being held as virtual hostages for their relatives who may be suspected of supporting or belonging to Fretilin.

The 800 who remain on Atauro were part of a prisoner population that at its height in 1982 totalled more than 4000. Many of the prisoners sent back by the government to the main island were not allowed to return to their own villages but instead were sent to so-called "resettlement areas", where many faced forced separation from their families, or in some cases, to prison. Amnesty International is aware of several cases where people have been sent directly from Atauro to the Comarca prison in Dili for trial on political charges after having been detained without charge or trial for several years. Afonso Rangel from Bibileo, Viqueque, is one example. He was arrested in September 1983 on suspicion of having been involved in an incident in Kraras, Viqueque, the previous month in which 16 Indonesian army engineers were killed. He is believed to have been held without charge on Atauro until his transfer to the Comarca on 26 June 1985 along with 30 other prisoners. He was tried in Dili District Court in August 1985 and sentenced to five years' imprisonment. Three of those sent to the Comarca for trial at the same time, Duarte Marcal, Martinho Soares and

Alberto da Conceicao, had been detained on Atauro since July 1980. To Amnesty International's knowledge, their pre-trial detention on Atauro was not deducted from the sentences they received in July and August 1985 of between two and a half and three years in prison.

Amnesty International remains concerned about conditions in many of the resettlement areas to which returnees from Atauro are sent. People sent to these areas appear to have had no choice in place of settlement, and conditions with respect to food and medicine are reported in some areas to be worse than on Atauro. International organizations do not have access to all of the areas.

Amnesty International continues to be concerned about the fairness of trials conducted in Dili District Court, where between December 1983 and March 1986, 209 suspected supporters of Fretilin have been tried and convicted. All but two of the prisoners were charged under Articles 106, 108 and 110 of the Criminal Code, conspiracy to commit rebellion. All of the prisoners have pleaded guilty and none has appealed his or her conviction. According to security officers quoted in the Indonesian daily newspaper Sinar Harapan, this is because the evidence against them was strong and most of the accused had been caught in the act, but no information has been made available on the background or circumstances of the arrest of these prisoners that would enable outside observers to assess the validity of these allegations. The chief judge of Dili District Court in the same article attributed the guilty pleas to the "innate honesty" of the East Timorese. Amnesty International is concerned that the prisoners may not have been apprised of their right not to be compelled to testify against themselves or confess guilt, and that they may have been pressured into pleading guilty. It is also concerned that judicial procedures might not have been adequately understood and that the defendants may have been given no choice of counsel other than a government-appointed defence team.

The Indonesian Government has not allowed qualified international observers to attend the trials, although several journalists were permitted to attend a session of the court in July 1985. Amnesty International's request of March 1984 to send observers was turned down by the Indonesian Government, and its repeated efforts to obtain copies of trial documents, such as the prosecution "letter of accusation" (surat dakwaan) and the defence plea (pleedoi) have not been successful. Amnesty International believes that in the absence of international observers, such documents could provide indications of the conduct of the trials, the nature of the testimony received and the background to arrest and detention. In view of its concerns, and without the presence of international observers or the provision of documents, Amnesty International cannot accept assurances from the Indonesian Government that the trials are fair.

Of the convicted prisoners, 43 were sent to Jakarta in late 1984 and early 1985, 42 men to Cipinang Prison and one woman to Tangerang Prison. Amnesty International has repeatedly expressed concern to the Indonesian Government that their detention far from East Timor renders visits from family and friends virtually impossible, and sources in Jakarta have informed Amnesty International that they do not in fact receive visitors. The same sources have reported that the prisoners in Cipinang may not be getting enough to eat since they have to rely solely on the inadequate prison provisions and do not enjoy the benefit of food packages, brought by families to other prisoners, to supplement the prison diet.

Amnesty International is particularly concerned at the failure of the Indonesian Government to investigate the cases of thousands of people who "disappeared" or were executed between the 1975 invasion and the end of 1984. In a report published in June 1985, East Timor: Violations of Human Rights, Amnesty International listed the names of 550 such people, believed to be only a fraction of the total, and asked through various channels, including direct approaches to government officials, that investigations be undertaken to determine the exact circumstances of their "disappearance" or death. Some of the people listed have since reappeared in the custody of Indonesian authorities, including Rui Manuel, Afonso dos Santos, Americo Branco and Jorge Pinto. The four were reported to have "disappeared" in March 1984 in Lautem district, but their names appeared on an Indonesian Government list as having been brought to trial and convicted of conspiracy to commit rebellion in January and February 1985. When such information becomes available, it can be provided to families, many of whom have had no news of their relative since their reported "disappearance." For humanitarian reasons as well as out of its concerns for human rights safeguards, Amnesty International has urged the government to establish a full and impartial inquiry into the fate of those listed and make public its results. Despite the reappearance of some people such as the four mentioned above, Amnesty International has reason to believe that the majority of those reported to have "disappeared" are in fact dead.

In response to allegations of human rights violations by the Indonesian military in East Timor, the Indonesian Government has referred to economic development, has noted abuses committed by the Portuguese colonial authorities in the five hundred years preceding the Indonesian invasion, and has questioned the reliability, accuracy and impartiality of the information on which those allegations are based. It has not attempted to ascertain the validity of the charges, nor has it allowed independent outside observers into the territory to investigate human rights abuses. Visits to the territory remain under the strict control of the Indonesian military and rarely exceed three or four days. The Apostolic Administrator of Dili was quoted in August 1985 by Agence France Press as saying that visits were of "little significance. Even if these people are independent, they cannot say the truth because they are too closely guarded to see the truth." Amnesty International has received reports of East Timorese having been warned not to talk to visiting journalists and of one person being detained after providing information to visitors that had not been officially sanctioned. People leaving East Timor are routinely warned not to say anything detrimental to the Indonesian authorities or their relatives who remain in East Timor may face reprisals. Public phone calls into East Timor are forbidden. With such restrictions, it is difficult to accept the Indonesian Government assessment that the question of human rights, in the words of Foreign Minister Mochtar Kusumaatmadja, is now a "dead issue."

The human rights situation in East Timor thus remains a cause for concern. Torture and other cruel, inhuman or degrading treatment of prisoners continue to be reported. Arbitrary arrest and detention of people suspected of political offences still take place. The fairness of the trials of political prisoners in Dili has been and continues to be open to question. Amnesty International believes that the international community must insist that immediate measures be taken to ensure that the fundamental human rights of the East Timorese are respected.